

USAID Assistance Agreement No. 367-012 (3670182.00)

AMENDMENT NO. 1
TO THE
ASSISTANCE AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF NEPAL
FOR
USAID FOREIGN ASSISTANCE PROGRAMS

Dated: September 21, 2010

Assistance Agreement No. 367-012 (3670182.00)

USAID Foreign Assistance Programs

Amendment No. 1

The Assistance Agreement, No. 367-012 (3670182.00), dated September 22, 2009, between the United States of America, acting through the United States Agency for International Development ("USAID"), and the Government of Nepal ("GON" or "Grantee"), for USAID Foreign Assistance Programs, is hereby amended to: (1) increase the grant funding, (2) increase the total estimated USAID contribution, and (3) add a new paragraph concerning additional financial resources, as follows:

1. The first sentence of Section 3.1(a), The Grant, is deleted in its entirety and the following, which includes an increase in grant funding in the amount of \$47,744,200, is inserted in lieu thereof.

(a) The Grant. To help achieve the Objectives set forth in this Agreement, USAID, pursuant to the Foreign Assistance Act of 1961, as amended, hereby grants to the Grantee under the terms of the Agreement an amount not to exceed Eighty-Eight Million Four Hundred Sixty-Four Thousand Four Hundred Ninety-Two United States ("U.S.") Dollars (\$88,464,492) (the "Grant").

2. The first two sentences of Section 3.1(b), Total Estimated USAID Contribution, are deleted in their entirety and the following, which includes an increase in funding in the amount of \$111,500,000, is inserted in lieu thereof.

(b) Total Estimated USAID Contribution. USAID's total estimated contribution to achievement of the Objectives will be U.S. \$316,500,000 (Three Hundred Sixteen Million Five Hundred Thousand U.S. Dollars), which will be provided in increments. Subsequent increments in excess of the amount granted in Section 3.1(a) of this Agreement will be subject to the availability of funds to USAID for this purpose and the mutual agreement of the Parties, at the time of each subsequent increment, to proceed.

3. Annex 1, Amplified Description, to the Assistance Agreement is modified, to add the following paragraph at the end of Section IV, Activities/Activity Selection, on page 7, as follows:

"Other Activities to be implemented in Support of this Agreement"

In addition to activities financed under this Agreement, USAID is able to provide additional financial resources, through a variety of foreign assistance projects managed by U.S. Government organizations, for the procurement of goods and services and other assistance that directly support activities in Nepal and the achievement of the objectives outlined in the Assistance Agreement. USAID will issue Implementation


Letters that furnish detailed information about activities implemented in this manner, including: the name of the implementing organizations, life of project funding, duration, and alignment with GON development objectives. These activities, like the other activities under the Agreement, will help Nepal build and sustain a democratic, well-governed state that responds to the needs of its people and reduces widespread poverty. Accordingly, the tax exemptions set forth in Section B.4 of the Standard Provisions (Annex 2) of this Agreement shall apply to these activities and implementing organizations to the same extent, and with the same effect, as if they were financed under this Agreement.

4. The financial plan referred to in Section III, Funding, of Annex 1 to the Agreement, Amplified Description, is deleted in its entirety and the attached revised Financial Plan (Attachment A hereto) is substituted therefor.

5. Except as amended herein, all terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the United States of America and the Grantee, each acting through its duly authorized representatives, have caused this Amendment No. 1 to be signed in their names and delivered as of the day and year last written below.

ON BEHALF OF THE
UNITED STATES OF AMERICA

BY: 
Kevin A. Rushing, D.V.M.

TITLE: Mission Director
USAID/Nepal

DATE: 21 Sept 2010

ON BEHALF OF THE
GOVERNMENT OF NEPAL

BY: 
Lal Shanker Ghimire

TITLE: Joint Secretary
Ministry of Finance

DATE: 21 Sep. 2010

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Illustrative Financial Plan
(USAID Contribution)

(Figures in U.S. \$)

| Program Objective | Program Objective Name | Total Estimated USAID Contribution | Increase/Decrease in Total Estimated USAID Contribution | Revised Total Estimated USAID Contribution | Obligations thru FY 2009 | FY 2010 Obligations | Obligations To Date | Balance to be Obligated |
|-------------------|--|------------------------------------|---|--|--------------------------|---------------------|---------------------|-------------------------|
| 1 | Peace and Security | 11,000,000 | 16,000,000 | 27,000,000 | 4,572,000 | 2,650,000 | 7,222,000 | 19,778,000 |
| 2 | Governing Justly and Democratically | 49,500,000 | -15,900,000 | 33,600,000 | 9,448,000 | 2,779,000 | 12,227,000 | 21,373,000 |
| 3 | Investing in People | 72,600,000 | 69,400,000 | 142,000,000 | 17,515,000 | 19,772,000 | 37,287,000 | 104,713,000 |
| 4 | Economic Growth | 52,500,000 | 42,000,000 | 94,500,000 | 5,855,000 | 18,125,000 | 23,980,000 | 70,520,000 |
| 5 | Humanitarian Assistance | 811,000 | 0 | 811,000 | 811,000 | 0 | 811,000 | 0 |
| 6 | Program Development and Program Administrative Costs | 18,589,000 | 0 | 18,589,000 | 2,519,292 | 4,418,200 | 6,937,492 | 11,651,508 |
| | Total | 205,000,000 | 111,500,000 | 316,500,000 | 40,720,292 | 47,744,200 | 88,464,492 | 228,035,508 |

NOTE:

1. USAID may adjust the Objective budgets provided that the total USAID contribution is not exceeded. Such changes will be documented in an Implementation Letter.
2. The amount in the column entitled "Balance to be Obligated" is subject to the availability of funds and the other criteria in Section 3.1(b) of the Agreement.